

ORIGINAL

30003444
**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2023 JAN 19 AM 10:40

SWETHU GOGU

DEPUTY CLERK mb

VS.

CIVIL ACTION NO.

**COASTAL TRANSPORT MOVING AND
STORAGE, LLC, BEST FOR YOU
MOVING, LLC**

JURY TRIAL DEMANDED

3-23CV0143-C

COMPLAINT

JURISDICTION

1. Jurisdiction of this Court attains pursuant to the Carmack Amendment, 49 U.S.C. § 14706(d)(1), for which jurisdiction is proper in this Court.

Because the damages at issue in this federal question case exceed \$10,000.00, jurisdiction is also proper pursuant to 28 U.S.C. § 1337.

I

PARTIES

2. Plaintiff is a resident of Michigan.
3. Defendant Coastal Transport Moving & Storage, is a corporation organized under the laws of the State of Texas with its main office located in Dallas County, Texas and may be served by serving its registered agent, Registered Agents, Inc., 5900 Balcones Drive, Suite 100, Austin, Texas 78731.
4. Best for You Moving, LLC is a limited liability corporation organized under the laws of the state of California, not registered to conduct business in Texas, and may be served with process by serving its registered agent, Julia Reniger, 4408 Dulcinea Court, Woodland Hill, CA 91364.
5. Venue is proper in Dallas County, Texas because the Defendant Coastal Transport Moving & Storage is located in Dallas County, Texas.

6. Defendants were given notice in writing of the claims made in this petition including a statement of Plaintiff's economic damages and expenses, exceeding \$10,000.00, prior to this Complaint being filed.

7. All conditions precedent necessary to maintain this action have been performed or have occurred.

II

FACTUAL BACKGROUND

8. On or about April 29, 2022, Plaintiff entered into a contract with Coastal Transport Moving & Storage for the transport of her belongings to Grand Rapids, MI.

9. Coastal Transport issued a "Binding Moving Estimate" and agreed to the pickup of Plaintiff's belongings on June 1, 2022.

10. On June 1, 2022, employees from Best for You Moving, LLC showed and claimed to have been contracted by Coastal Transport to move their belongings.

11. In order to transport their belongings, Best for You Moving, LLC employees told Plaintiff that she would be required to sign a new contract with them. They presented a bill of lading and order for service, a general agreement, an interstate revised written estimate. Plaintiff was not given the option or opportunity to read the documents presented, only told "sign here, sign here, sign here."

12. Plaintiff was not presented with insurance options.

13. Best for You Moving, LLC also demanded additional funds, contrary to the agreement made with Coastal Transport. Plaintiff was told to take it or leave it, if Plaintiff wanted her items transported that day, she must sign the documents and pay additional funds.

14. Best for You Moving documents did not vary the delivery date Plaintiff's belongings were due to be delivered in Grand Rapids, MI : 21 days from pickup.

15. Despite multiple calls and emails, by July 15, the items had still not been delivered to Plaintiff and no one would accept her calls.

16. Delivery was made on or about July 20. Many of the items were damaged and there were items missing. Plaintiff was not permitted to search the truck.

III

VIOLATION OF THE CARMACK AMENDMENT

17. Defendant breached the agreement to move the Plaintiff's vehicle in a safe manner and in good condition. Defendant's breach proximately caused damages to Plaintiff for which Plaintiff hereby sues.

18. Plaintiff incorporates by reference all of the factual allegations made in the preceding paragraphs. Defendant's failure to process her claim and to reimburse her for same constitutes a violation of the Carmack Amendment, 49 U.S.C. §14706, damages for which Plaintiff sues herein to recover.

19. Defendant failed to give Plaintiff a reasonable opportunity to choose between 2 or more levels of liability as required by the Carmack Amendment, thereby vitiating any limitation of damage argument.

20. Defendant is strictly liable for the actual loss or injury to Defendant's property

IV

ATTORNEY FEES

21. Plaintiff is entitled to recover reasonable and necessary attorney fees under the Carmack Amendment. Plaintiff seeks all reasonable and necessary attorney's fees incurred in this case, which include, but are not limited to, the following:

- (a) Preparation and trial of this lawsuit;
- (b) Post-trial, pre-appeal legal services;
- (c) An appeal to the Court of Appeals.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer and that upon final trial, Plaintiff recover:

- 1. Judgment against Defendant for actual damages in a sum in excess of the minimum

jurisdictional limit of the Court;

2. Prejudgment interest as allowed by law;
3. Post-judgment interest as allowed by law;
4. Costs of suit;
5. Attorney fees;
6. Such other and further relief to which Plaintiff may show herself entitled.

Respectfully submitted,

/s/ Sharon K. Campbell

Sharon K. Campbell
State Bar # 03717600
3500 Oak Lawn Ave., Suite 110
Dallas, Texas 75219
Telephone: 214/351-3260
Fax: 214/443-6055
Sharon@SharonKCampbell.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Swethu Gogu

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Sharon Campbell
3510 Oak Lawn Ave, Suite 110, Dallas TX 75219
214 351 3260

DEFENDANTS

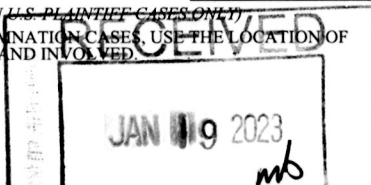
Coastal Transport Moving and Storage, LLC
Best for you Moving, LLC

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)



II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | PTF | DEF |
|---|----------------------------|----------------------------|---|---|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

49 USC 14706 Carmack Amendment
movers damaged property, lost property

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

1-18-23

SIGNATURE OF ATTORNEY OF RECORD

Sharon Campbell

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE